

SOCIAL DIALOGUE IN PUBLIC ADMINISTRATION: SELECTED ASPECTS

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Abstract

The article focuses on the general and specific characteristics of social dialogue and its practical implementation in the countries of the European Union, with an emphasis on the Slovak Republic and the public administration sector. The Slovak Republic is one of the countries where social dialogue for public administration operates at the national (nationwide) level, where social partners (government and trade unions) agree on a collective agreement for the entire public administration sector. Separate social dialogue for local and regional administration and self-government is not sufficiently institutionally and structurally established and has only marginal significance and partial impact.

Keywords: *Social dialogue, levels, system and structures of social dialogue, public administration, collective bargaining, collective agreement*

Introduction

One of the important democratic ways of determining the organization of work, working and wage conditions in the field of public and state administration is – similarly to other sectors of the national economy – social dialogue.

In the European Union, social dialogue as a democratic institute of participation in management and decision-making, as a tool for achieving consensus between the parties involved and a way of resolving their mutual relations and preventing conflicts has been established since the end of the Second World War. Social dialogue is closely linked to the welfare state (social-democratic or Christian-social), social citizenship and civic participation. (Čambáliková, 2008) Social dialogue is implemented mainly through collective bargaining of social partners at a bilateral or multilateral (including tripartite) level and its result is a collective agreement or other agreement of the parties involved.

Decent working conditions and adequate wages are a prerequisite for public administration and local government to be an attractive workplace for quality workers, capable of carrying out the competences entrusted to them and providing public services at the level of 21st century requirements. Social dialogue in public administration can and should contribute significantly to this goal.

However, social dialogue in public administration still faces many challenges. The fundamental problem is the instability, or even the absence of structures for social dialogue at local and sectoral level. In the new EU Member States, this was directly related to decentralization and

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the new territorial-administrative division and reforms that were associated with these processes. On the other hand, the development of social dialogue in this sphere was also positively influenced by the democratization of society, the requirements of EU accession and the constant emphasis placed by the European Union on its importance and need. Thus, not only acceptance but also support for social dialogue by national governments is gradually increasing.

Common and specific elements of social dialogue in public administration in the EU

There are certain differences in the intensity and methods of concrete implementation of social dialogue between individual countries, but the essence and basic principles are identical. The differences are mainly caused by the specific legislative framework and socio-political context in individual countries, regions and local governments. The common principles that form the essence and merit of social dialogue in public administration also include the main principles of its democratic character and functioning. In general, emphasis is placed on principles such as legal certainty, information, openness and transparency, efficiency, reliability and predictability. As specific elements that have an impact on the specific form of social dialogue in public administration and local government, the following are usually mentioned - both in professional literature and in relevant EU documents:

- structure and functions of local and regional government,
- restructuring and modernisation of local and regional government services,
- employment status of workers,
- financing of local government,
- levels, structure and context of collective bargaining.

The structure of local and regional government in individual EU countries is differentiated mainly in the way it is stratified. In most countries, local government is divided into two (e.g. Czech Republic, Austria, Cyprus, Denmark, Slovakia, Finland) or up to three levels (e.g. France, Belgium, Germany, Greece, Hungary, Poland). Some Member States of the European Union operate with a single-tier structure of local government (e.g. Slovenia, Estonia, Bulgaria, Luxembourg). However, even more important than the formal structure of local and regional government from the perspective of social dialogue are the functions that its individual levels fulfil, and even in this area individual countries differ from each other.

In general, higher administrative units (counties) retain responsibilities for those functions that cannot be fulfilled through the office of a self-governing unit at a lower level of management (e.g. responsibility for secondary education, provision of health care, maintenance of main roads, etc.). (Králík, 2013)

Certain differences between individual countries are also related to the mandatory or optional nature of the provision of individual services. In this context, not only the number and content

of original and transferred competencies that self-governments perform are important, but also the share of those that they delegate to the external environment (outsourcing).

The scope and content of competencies that are entrusted to self-government, public and state administration, as well as the scope and content of the services provided, are inevitably reflected in the claims for financial coverage (amount of expenses) and in the necessary (optimal) number and structure of employees in this sphere.

Public administration and local government have undergone significant changes in recent decades. Not only the structures and competencies of public administration had to adapt to the qualitatively new socio-political, social and economic situation, but also the overall way of its functioning, including ensuring the quality and availability of the complex of services provided. This placed and still places high demands on the flexibility of workers, their professionalism and ability to adapt to changing conditions and growing demands. This fact further highlights the importance and need for social dialogue, which is an important tool for ensuring decent working conditions and legitimate claims of employees.

The generally accepted and declared long-term goal is the modernization and efficiency of public and state administration and the improvement of the quality and accessibility of public services. However, opinions often differ on the ways (specific instruments and measures) of achieving this objective. Discussions related to this issue are also a frequent subject of the social partners' dialogue.

The structures of social dialogue (collective bargaining) for the local government, public and state administration sectors are generally also influenced by the status or position of employees in the sector. For example, in Estonia, Lithuania, Bulgaria or Romania, the conditions for civil servants are determined by national legislation and/or bipartite collective bargaining between the state and the relevant trade unions at national level.

In Slovakia, Cyprus, the Czech Republic, Hungary, Malta, Poland and Slovenia, the remuneration of state and public sector workers is determined by bipartite negotiations with the state at national level. In Estonia, Latvia and Lithuania (in the latter case, with the exception of civil servants), bipartite collective bargaining takes place at local level, where there are active trade unions. However, where trade unions do not bargain collectively, the terms are set unilaterally by employers. There are no legal restrictions on collective bargaining for local government and public administration workers, unlike for employees who have a special civil servant status. Only in rare cases can collective bargaining be carried out for workers with a special status (civil servants) as well as for those who do not have this status. In some countries, collective bargaining for employees with a special status does not exist, and if it does exist, it has a different legal status and procedural procedures for the aforementioned group of employees. In countries such as Bulgaria or Lithuania, the salary conditions for employees with a special status are determined unilaterally by the central government directly without negotiation, or are set by law. (Clauwaert – Wiebke, 2008).

From the point of view of the level and structure of collective bargaining in public administration, we can distinguish three different groups of cases. The first group includes countries where collective bargaining and collective agreements apply to the entire public administration sector, including local government (e.g. Slovakia, Cyprus, Czech Republic, Romania). The second group consists of cases where collective bargaining is carried out at the national level, but separately for territorial self-government, or local and regional self-government as a whole and does not comprehensively cover the entire public sector (e.g. Malta, Slovenia). The third group includes those countries where individual collective agreements are negotiated at the local level for employees of a specific organization or office (e.g. Bulgaria, Estonia, Lithuania, Latvia, Poland). (EPSU, 2008, Clauwaert – Wiebke, 2008)

A characteristic feature of social dialogue in public administration in most member states of the European Union is the so-called central model of (collective) bargaining at the top or national level. Social dialogue at the local or regional level is of only marginal importance in this sector and its structures are not officially established.

In Slovakia, there is also no special social dialogue or separate collective bargaining for territorial self-government, or regional and local self-government. The higher-level collective agreement agreed at the central (national) level for employees working in public administration also covers employees working in territorial self-government. Here, in collective bargaining, the social partners are the government (represented by selected ministers) together with representatives of self-government (Association of Towns and Municipalities of Slovakia) and the chairmen of the 8 self-governing regions on the one hand as employers and the Confederation of Trade Unions of the Slovak Republic and trade unions covering employees working in state and public administration on the other hand (Králík – Uhlerová 2010, Uhlerová 2013, Čambáliková – Uhlerová 2021a).

The above is also related to the fact that in Slovakia, sectoral collective bargaining does not have a decisive position in the social dialogue system. Relevant analyses, which state this on the basis of research, point to the causes (including legislative reasons) and also the consequences of this fact, including the impact on deepening regional differences. The content of sectoral collective agreements in Slovakia can be described as minimalist in comparison with the statutory level of employee rights. Sectoral collective agreements often only copy the legal regulation, and if they deviate from it, they are mostly so-called soft-law rules (recommended provisions or conditional obligations). In practice, there are also problems with the implementation and enforceability of the provisions enshrined in the sectoral agreement, despite the formal and legal binding nature of this agreement. (Benedeková – Čambáliková, 2023)

Social dialogue in several EU countries faces not only the lack of sectoral employer organisations and the absence of sectoral social dialogue structures for local government, but also the weakness (or fragmentation) of trade unions representing the interests of employees working in public administration. The weakness of these actors and structures leads to the weakening of social dialogue. The aforementioned fragmentation can have political, historical,

structural, property and personnel roots. In Slovakia, employees working in public administration are also covered by several trade unions, while they jointly negotiate with the government (as employer) at the central level a common sectoral collective agreement (higher-level collective agreement) for public and state administration. The aforementioned collective agreement for public administration also applies to employees working in local government.

As already mentioned, in Slovakia there is no specialized collective bargaining or social dialogue separately for employees working in local and regional self-government at the national level, where a higher-level collective agreement would be agreed separately for local self-government. At the "lowest" level (at the level of individual self-governments) there is a possibility to negotiate a collective agreement between the relevant trade union organization and the statutory body - the employer (e.g. the mayor of the city or the chairman of the self-governing region). However, if such a collective agreement is concluded, it usually only copies the conditions set out in the higher-level collective agreement and the collective agreement concluded at the central level.

Discussion and conclusion

Based on the above-defined findings in individual Member States of the European Union in the field of sectoral social dialogue in public administration with an emphasis on local and regional administration, it can be stated that there is a certain similarity in key issues and problems affecting social dialogue in the mentioned countries. First of all, these are related to the process of modernisation of the public sector with the need for higher efficiency, citizen orientation, accessibility and quality of services provided. In many, especially new EU Member States, social dialogue for public administration operates at the national (central) level, where social partners – the government and trade unions – agree on a collective agreement uniform for public administration. Separate social dialogue for local and regional administration or self-government is not sufficiently institutionally or structurally anchored and represents a subsidiary part of the comprehensive social dialogue for public administration at the national level. In some new EU member states, on the contrary, social dialogue for local and regional administration operates at the local level without being included in the agreements concluded at the national or central level. The case of the Slovak Republic is an example of a centrally coordinated system of negotiating salary conditions for all public administration employees in a comprehensive manner. (Uhlerová, 2009; Králik – Uhlerová, 2010; Čambáliková – Uhlerová 2022b).

According to the experience of individual EU member states, there are various ways in which it is possible to ensure greater local flexibility in such an apparently centralized system. One possibility is that local authorities unilaterally improve the level of workers' wages beyond the framework of agreements concluded at the national level.

Such an option is legislatively and institutionally feasible in Slovakia as well. National agreements may leave some room for local authorities to change certain aspects of wage and working conditions. This is probably the most common way of preserving local flexibility. Another option is for national agreements to create a basic framework agreement that sets the total value of the wage increase for public and local government employees, but does not address the question of how this increase should be distributed to local negotiations. This approach is used mainly in Scandinavian countries (Denmark, Finland, Sweden).

One of the important prerequisites for effective social dialogue at every level and in every sphere of society is the political will and consensus of relevant actors. Rules, guidelines, organization and financial security are also important, even essential ingredients of its establishment. They reflect the overall philosophy of social dialogue and help its establishment. However, as shown by relevant expertise and research on the functioning of social dialogue at the regional level in Slovakia in the 1990s, as well as at present, the most significant reasons for the non-functioning, or inefficient functioning of regional social dialogue can be considered the absence of political will (including elected representatives of self-governing regions); insufficient establishment (absence) of regional social partnership structures, weakening of the position of social partners (especially trade unions and domestic employers) in the regions and insufficient use of the space provided by current legislation by social partners (Čambáliková – Uhlerová, 2022b).

Financial resources represent another necessary condition for the functioning of effective social dialogue and the fulfillment of its purpose. There are several options, namely public resources (e.g. state budget, local government budgets, grant schemes), private resources (e.g. business sector, financial sector), European structural funds (e.g. European Social Fund), non-profit sector (e.g. domestic and foreign foundations, non-governmental organizations and third sector organizations), financial contribution of each participating partner from its own resources, or a combination of individual options (Králík, 2013, Čambáliková – Uhlerová, 2022a). In order for social dialogue in public administration and local government to function effectively and fulfill its functions, it is important to consider its structures, interconnections, connection to the central level and management.

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